



The Town of Lake Park

Community Development Department

CODE COMPLIANCE SPECIAL MAGISTRATE

CASE NO: _____

REQUEST FOR FINE REDUCTION OR WAIVER

ALL CONDITIONS PRECEDENT TO OBTAINING A HEARING ON THIS FINE REDUCTION OR WAIVER REQUEST AS STATED ON THIS APPLICATION FORM, MUST BE FULLY SATISFIED BEFORE ANY REQUEST WILL BE PROCESSED BY THE TOWN OF LAKE PARK ("TOWN"), PLACED ON AN AGENDA OF THE SPECIAL MAGISTRATE, OR A HEARING CONDUCTED ON THE REQUEST. IN ADDITION, ALL INFORMATION TO BE CONSIDERED BY THE SPECIAL MAGISTRATE IN SUPPORT OF THE REQUEST MUST BE SUPPLIED TO THE TOWN BY THE APPLICANT, TOGETHER WITH THIS APPLICATION FORM IN ORDER FOR YOUR APPLICATION TO BE PROCESSED. IF ANY INFORMATION IS MISSING, YOUR APPLICATION MAY BE RETURNED TO YOU FOR COMPLETION, AND THE TOWN'S SPECIAL MAGISTRATE WILL NOT HEAR YOUR REQUEST UNTIL A COMPLETED APPLICATION IS RECEIVED.

CONDITIONS PRECEDENT TO OBTAINING A HEARING ON ANY FINE REDUCTION OR WAIVER REQUEST:

1. ALL ADMINISTRATIVE FEES AND COSTS (INCLUDING ANY ADDITIONAL ADMINISTRATIVE FEES AND COSTS WHICH WERE INCURRED BY THE TOWN SUBSEQUENT TO THE RENDITION OF A VIOLATION ORDER, INCLUDING BUT NOT LIMITED TO, FEES AND COSTS INCURRED BY THE TOWN TO ABATE THE VIOLATION OR FEES AND COSTS INCURRED BY THE TOWN IN CONNECTION WITH A NUISANCE ABATEMENT PROCEEDING), WHICH HAVE BEEN ASSESSED AGAINST THE RESPONDENT, AND/OR ANY OTHER PERSONS OR ENTITIES WHICH ARE RESPONSIBLE FOR THE PAYMENT OF SUCH FEES AND COSTS, (i.e., A NEW PROPERTY OWNER OR A SUCCESSION-IN-INTEREST TO THE RESPONDENT), MUST BE PAID IN FULL TO THE TOWN BEFORE A REQUEST FOR A FINE REDUCTION OR WAIVER WILL BE ACCEPTED BY THE TOWN. Administrative fees and costs are due and payable regardless of whether the Town has recorded a lien for the fees and costs in the Public Records of Palm Beach County.
2. A Request for a Fine Reduction or Waiver ("Request") will be accepted by the Town only if the entire Property which is the subject of the Request for a Fine Reduction or Waiver (including both the exterior and the interior), is in full compliance with the Town Code and/or the Florida Building Code and/or the Florida Fire Prevention Code adopted by Palm Beach County and the Town. In addition, if the Respondent or the Applicant (or any of their principals, affiliates, or subsidiaries) is/are the owner(s) or the holder(s) of any possessory or ownership interest in any other parcel of real property located within the Town on which there are existing Town Code, Florida Building Code, or Florida Fire Prevention Code violations, or outstanding liens, or unpaid administrative fees or costs, or if the Respondent or the Applicant owes any other form of debt to the Town, then all such unpaid debts must be paid in full to the Town and all violations be corrected to the satisfaction of the Town's Community Development Director, before a Request will be accepted.
3. If a Town Code Compliance Officer has probable cause to believe that additional violations may exist within the interior of the subject property, the Applicant may be required to allow the Town's Code Compliance Officers inside the premises of the subject property prior to scheduling the hearing on the Request before the Special Magistrate.
4. Only one (1) Request for a Fine Reduction or Waiver per case is allowed. A technically complete Request must be submitted to the Town no later than six (6) months from the date that the final affidavit of compliance for the code compliance case which is the subject of the Request is issued by the Town, unless good cause for an extension of the six month period is demonstrated by the Applicant to the reasonable satisfaction of the Town's Community Development Director.
5. Proof of extenuating and/or mitigating circumstances (i.e., medical or financial hardships, and/or other similar factors) which may have prevented the Respondent (or the Applicant) from correcting the

violation(s), and complying with the requirements of the Final Order by the compliance date, and/or other evidence of mitigation or justification by the Respondent (or Applicant) shall be submitted with this Application. Relevant evidence to be considered by the Special Magistrate in ruling on the Request includes: (1) the gravity of the violation; (2) the actions taken by the violator to correct the violation; and (3) any previous violations committed by the violator. Therefore, relevant evidence may include, but is not limited to, credible evidence of the amount of time it took the Respondent to comply with the Final Order; whether the Respondent has a clean code enforcement record for any and all real property owned by the Respondent located in the Town; the nature of the violation(s) and the severity or gravity of the violation(s) (or lack thereof); whether the Town abated any of the violations; communications between the Respondent and the Town's Code Compliance Officer assigned to the case; evidence that the fine(s) that was originally imposed by the Final Order was excessive and the reasons therefore, and any other evidence that the Respondent believes to be relevant to the Request. All documentary evidence in support of the Request must be submitted together with this completed Application form. Documentary evidence that is not provided to the Town at the time the Request is submitted may not be considered by the Special Magistrate at the hearing on the Request.

6. The Applicant must contact the Town's Code Compliance Division at (561) 881-3321, to determine the total amount of administrative fees and costs which are owed to the Town, if any, prior to the submission of the completed Application. In the event that the Town discovers that additional costs are owed to the Town after the Application has been accepted by the Town, the Town will notify the Applicant of such additional fees and costs, and such additional fees and costs must be also paid before the Request will be heard by Special Magistrate.

7. Worthless checks provided to the Town as payment of the Application fee and/or for fees and costs owed to the Town, shall result in the automatic rejection of the Application by the Town, and shall preclude the submission of another Application and Request in the same case. In addition, the tender of a worthless check may subject the Applicant to further costs and/or civil liability pursuant to Sections 832.05, 832.07, Fla. Stat., et. seq., (Florida's Worthless Check Statute and Civil Remedy), as amended from time to time.

8. Please answer all questions on this Application form completely. Be specific and use additional pages if necessary. Please return this Application, the \$50.00 Application fee, the payment of any outstanding fees, costs, and/or other debts owed to the Town, and all supporting documents to the Town of Lake Park, Department of Community Development, Code Compliance Division, located in the Lake Park Town Hall at 535 Park Avenue, Lake Park, FL 33403.

APPLICANT INFORMATION:

After the completed Application is reviewed by Town staff for technical sufficiency and completeness, the Application shall either be forwarded to the Special Magistrate for a hearing, or returned to the Applicant if the Application is deemed incomplete and insufficient. The Request will be heard at the next regularly scheduled hearing of the Town's Special Magistrate in the Town Commission Chambers at the Lake Park Town Hall at 535 Park Avenue, Lake Park, FL 33403. The Applicant will be notified in writing of date and time of the hearing, and provided with a copy of the Final Order of the Special Magistrate reflecting the final decision on the Request within ten (10) business days after the hearing or as otherwise provided in the Final Order of the Town's Special Magistrate. Please contact the Town's Code Compliance Office at (561) 881-3321 regarding any questions concerning a Request for Fine Reduction or Waiver or this Application form. **The Applicant must complete ALL of the following information:**

Applicant (or Respondent's) full legal name: _____

Legal address of Applicant: _____

Telephone and facsimile numbers of the Applicant: _____

Property Owner's name, address & telephone number (if different from Applicant or Respondent): _____

If the Applicant or Respondent is not the property owner, state the relationship of the Applicant or the Respondent to the property owner:

Telephone number where Applicant can be reached during the day: _____

Attorney/Agent's Name (if applicable): _____

Attorney/Agent's law firm name and address: _____

Attorney/Agent's phone and facsimile numbers: _____

Property address of violation(s) _____

Identify the violations, which were not complied by the compliance date specified in the Final Order:

State the compliance date that was specified in the Final Order of the Special Magistrate:

State the date on which the Town issued an Affidavit of Compliance: _____

Is the Applicant claiming a financial hardship? Yes: _____ No: _____

If yes, **attach** supporting documentation (i.e., proof of income, loss of income, unemployment compensation records, employment records, etc.)

Is the Applicant claiming a medical hardship? Yes: _____ No: _____

If yes, **attach** supporting documentation (i.e., a physician's/doctor's statement or report, worker's compensation and/or disability records.)

If the Applicant is the new owner of the property on which the violation existed, and is either a financial institution, person, or entity which acquired title to the property through a foreclosure proceeding, public or forced sale, or settlement and compromise, or bankruptcy, state whether the Applicant was a mortgagee or affiliate or subsidiary or beneficiary of a mortgagee of the property at the time the Notice of Violation and the Final Order was issued by the Special Magistrate:

If yes, **attach** a copy of the note(s), mortgage(s) and all other documents which established a contractual or other relationship between the Respondent and the current owner, which were in effect at the time the Respondent was the property owner. (if applicable).

If the property owner or the Respondent is unable to complete this Application form, print the name of the person who is authorized to act as the agent or attorney for the property owner or the Respondent and provide address and telephone contact information:

IMPORTANT:

**ALL SUPPORTING DOCUMENTARY EVIDENCE MUST BE SUBMITTED WITH THIS APPLICATION
OR THE DOCUMENTATION WILL NOT BE CONSIDERED AT THE HEARING ON THE REQUEST.**

SWORN JUSTIFICATION STATEMENT OF APPLICANT
MADE UNDER THE PENALTY OF PERJURY:

By completing this Application, I am making the statements on this Application under oath and under the penalty of perjury. The failure to be honest and truthful in completing the answers on this Application is a

I, _____, as the Applicant (or authorized agent or attorney of the Applicant) making this Request, do hereby submit this sworn statement and Request for Fine Reduction or Waiver, and in support thereof, I offer the following statement in justification and support of my Request:

[illegible]

Position/Title: _____

County of: _____

Signature of Notary Public

Printed Name of Notary Public

(OFFICIAL SEAL)